



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

DANIEL L. BRENNER SENIOR VICE PRESIDENT, LAW & REGULATORY POLICY

1724 MASSACHUSETTS AVE N.W. WASHINGTON, D.C. 20036-1903

TEL: 202.775.3664 FAX: 202.775.3603

February 5, 2004

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 98-120

Dear Ms. Dortch:

On February 3, 2004, Daniel Brenner, Michael Schooler and Diane Burstein of the National Cable & Telecommunications Association met with Stacy Robinson, Legal Advisor to Commissioner Abernathy; Johanna Mikes Shelton, Legal Advisor to Commissioner Adelstein; and Catherine Bohigian, Legal Advisor to Commissioner Martin. During each of these meetings, consistent with our written submissions in the above-captioned proceeding, we argued that the Commission should not grant broadcasters any right to mandatory carriage of their digital signal prior to return of their analog signal.

Respectfully submitted,

/s/ Daniel L. Brenner

Daniel L. Brenner